

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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December 19, 2005

Memo To Counsel Re: Sheila Marshburn, et al. v. Colomer USA
Civil No. JFM-05-2773

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendant's motion to reconsider motion to dismiss.

I am persuaded that the cases cited in 9 Wright & Miller, *Federal Practice and Procedure*, Section 2366, at n.9, support the award of attorneys' fees and costs in defendant's favor *in the event that plaintiffs refile this action in state court naming a nondiverse defendant*. Plaintiff has not challenged the reasonableness of the fees and costs defendant alleges it has incurred, and these fees and costs are reasonable on their face. Accordingly, I am entering an order herewith granting defendant's motion to reconsider and requiring plaintiffs to pay defendant fees and costs in the amount of \$569.00 in the event that plaintiffs refile this action in state court naming a nondiverse defendant.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge